

**** E-filed December 1, 2009 ****

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAY POWELL,

Plaintiff,

vs.

CHRIS' WHALE WATCHING TOURS, INC. and
DOES 1 to 50, inclusive,

Defendants.

) CASE NO. CV08-3929 HRL

) **STIPULATED DISMISSAL AND**
) **DISMISSAL WITH PREJUDICE OF**
) **ALL DEFENDANTS FROM**
) **PLAINTIFF'S COMPLAINT IN ITS**
) **ENTIRETY AND ORDER**
) **THEREON**

) Judge: Honorable Howard R. Lloyd
) Complaint Filed: August 18, 2008
) Trial Date: November 9, 2009

IT IS HEREBY STIPULATED by and between Plaintiff KAY POWELL ("Plaintiff"), on the one hand, and Defendant CHRIS' FISHING TRIPS, INC. erroneously sued as Chris' Whale Watching Tours, Inc. ("Defendant"), on the other hand, through their respective attorneys of record, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1) and (2), that this Court shall enter a dismissal with prejudice of all Defendants from Plaintiff's Complaint, Case No. CV08-3929-HRL.

The parties consent to have United States Magistrate Judge Howard R. Lloyd conduct any and all further proceedings related to the enforcement of the Settlement Agreement that has been reached between the parties. The Magistrate Judge shall retain jurisdiction over all disputes between and among the parties arising out of the Settlement Agreement, including, but not

1 limited to, interpretation and enforcement of the terms of the Settlement Agreement.

2 **IT IS SO STIPULATED:**

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4 Dated: November 30th, 2009

DOYLE RAIZNER, LLP

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6 By: s/ Jeffrey Raizner
Jeffrey Raizner, Esq.
7 Attorneys for Plaintiff KAY POWELL

8
9 Dated: November 30, 2009

GORDON & REES, LLP

10
11 By: s/ Jan K. Buddingh, Jr.
Russell P. Brown
12 Jan K. Buddingh, Jr.
13 Attorneys for Defendant CHRIS' FISHING
TRIPS, INC.

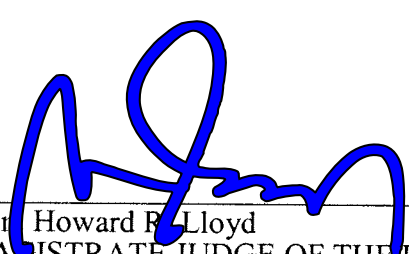
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15 **ORDER**

16 **IT IS ORDERED THAT** Defendant CHRIS FISHING TRIPS, INC. erroneously sued as
17 Chris' Whale Watching Tours, Inc. is dismissed with prejudice from Plaintiff's Complaint, Case
18 No. CV08-3929-HRL. As such, said Complaint is dismissed in its entirety with prejudice.

19 Magistrate Judge Howard R. Lloyd shall retain jurisdiction over all disputes between the
20 parties arising out of the Settlement Agreement, including but not limited to interpretation and
21 enforcement of the terms of the Settlement Agreement.

22 **IT IS SO ORDERED.**

23
24 Dated: December 1, 2009


25 Hon. Howard R. Lloyd
26 MAGISTRATE JUDGE OF THE U.S. DISTRICT
27 COURT
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